

**NOAKES AMENDMENTS - HEARING VERSION 28 JULY 2023  
SOUGHT IN ADDITION TO COUNCIL'S PROPOSED STORMWATER AMENDMENTS**

**Key:**

Green – Notified Amendments

Re – s42A amendments

Blue – Additional amendments sought by Ms Noakes (with refinements to confine to MR22 Zone and effects management as discussed in legal submissions shown underlined / strike through)

**RESIDENTIAL ZONES / MR22 – MEDIUM DENSITY RESIDENTIAL ZONE**

**Purpose**

The purpose of the MR22 – Medium density residential zone 2 is to enable the most efficient use of residentially zoned land and infrastructure within the suite of Waikato District Plan residential zones without compromising the rural productive capacity of adjacent rural land. The MR22 – Medium density residential zone 2 provides for this form of development within a walkable catchment of the town centres of Huntly, Ngaaruawaahia, Pookeno and Tuakau.

...

**MR22-P7 Efficient use of land and infrastructure.**

(1) Enable land to be used for higher intensity residential living where such land is:

- (a) Adjacent to the TCZ – Town centre zone, LCZ – Local centre zone, COMZ – Commercial zone and within a walkable catchment of transport networks; or
- (b) Integrated into master-planned growth areas in close proximity to neighbourhood centres or publicly accessible open space.
- (c) Not located adjacent to rural areas that do not have stormwater infrastructure designed to ~~cope~~ avoid, remedy or mitigate the adverse effects of with urban stormwater runoff.

...

**MR22-R2 A new retirement village or alterations to an existing retirement village**

**(1) Activity status: PER**

Activity-specific standards:

- (a) The site is connected to public water and wastewater infrastructure;
- (b) The site is connected to stormwater infrastructure that is adequate to ensure that the adverse effects on downstream properties, including the adverse effects of erosion / scour and alteration to run-off frequency, volume or duration are avoided, remedied or mitigated.
- (c) The minimum living space or balcony area and dimensions are:

...

**(2) Activity status where compliance not achieved: RDIS**

Council's discretion is restricted to the following matters:

- (a) Consideration of the effects of the activity-specific standard not met;
- (b) Measures to avoid, remedy or mitigate adverse effects; and
- (c) Cumulative effects.

(d) The extent to which the adverse effects on downstream properties, including the adverse effects of erosion / scour and alteration to run-off frequency, volume or duration are avoided, remedied or mitigated.

MRZ - RX Any new activity that would discharge urban stormwater runoff into rural areas that do not have urban standard stormwater infrastructure or that would result in adverse stormwater effects including erosion / scour or alteration of runoff frequency, volume and duration not being avoided, remedied or mitigated. Activity Status: Non-complying.

#### MRZ2-S1 Residential unit

##### (1) Activity status: PER Where:

- (a) The site is outside the Stormwater Constraints and Flood Hazard Overlay and the QM for 5851 Great South Road up to three residential units per site.
- (b) The site is within the Stormwater Constraints Overlay - Medium Risk one residential unit per site, and one minor dwelling per site provided that the minor residential unit contained within a site must comply with all of the following standards:
  - (i) The net site area is 600m<sup>2</sup> or more; and
  - (ii) The gross floor area shall not exceed 70m<sup>2</sup>
- (c) ...
- (d) The site is not located in an area where stormwater would discharge to rural areas that do not have urban standard stormwater infrastructure designed to manage avoid, remedy or mitigate the adverse effects of urban stormwater.

##### (2) Activity status where compliance not achieved: RDIS

###### Council's discretion is restricted to the following matters:

- (a) Intensity of the development; and
- (b) Design, scale and layout of buildings and outdoor living spaces in relation to the planned urban character of the zone;
- (c) The relationship of the development with adjoining streets or public open spaces, including the provision of landscaping; and
- (d) Privacy and overlooking within the development and on adjoining sites, including the orientation of habitable rooms and outdoor living spaces; and
- (e) Provision of 3-waters infrastructure to individual units; and
- (f) The provision of adequate waste and recycling bin storage including the management of amenity effects of these on streets or public open spaces; and
- (g) Where on-site car parking is provided, the design and location of car parking (including garaging) as viewed from streets or public open spaces.
- (h) The objectives and policies in Chapter 2-20 Te Ture Whaimana Vision and Strategy.
- (i) Where located within the catchment of the Waikato River the extent to which the application enhances or benefits the Waikato River and its tributaries.
- (j) Flooding effects including safe access and egress.
- (k) Stormwater Management and Low Impact Design methods and avoiding, remedying or mitigating adverse stormwater effects on downstream properties, including erosion / scour and alteration of run-off frequency, volume and duration.

#### MRZ2-S4 Setbacks

##### (1) Activity status where compliance not achieved: RDIS

###### Council's discretion is restricted to the following matters:

- (a) Road network safety and efficiency;
- (b) Potential to mitigate adverse effects on the streetscape through use of other design features;
- (c) Daylight admission to adjoining properties; **and**
- (d) Privacy overlooking on adjoining sites; **and**
- (e) **The visual dominance effects on adjoining sites.**
- (f) **Flooding effects including safe access and egress**
- (g) **Stormwater Management and the use of Low Impact Design methods and avoiding, remedying, or mitigating adverse stormwater effects on downstream properties including erosion / scour and alteration of run-off frequency, volume and duration.**
- (h) **The objectives and policies in Chapter 2-20 Te Ture Whaimana Vision and Strategy**

#### **MRZ2-S5 Building coverage**

##### **(1) Activity status: PER Where:**

- (a) **Except in the Tuurangawaewae Marae surrounds QM and in the Stormwater Constraints Overlay and Flood Hazards Overlay the maximum building coverage must not exceed 50% of the net site area.**
- (b) **The site is within the Tuurangawaewae Marae surrounds QM the maximum building coverage must not exceed 45% of the net site area.**
- (c) **The site is within the Stormwater Constraints Overlay or the Flood Hazards Overlay the building coverage must not exceed 40% of the net site area.**
- (d) MRZ-S6(1)(a) does not apply:
  - i. To a structure that is not a building; or
  - ii. Eaves of a building that project less than 750mm horizontally from the exterior wall of the building
- (e) **The site is located in an area where stormwater would discharge to rural areas that do not have urban standard stormwater infrastructure designed to manage avoid, remedy or mitigate adverse effects of urban stormwater runoff.**

##### **(2) Activity status where compliance not achieved: RDIS**

###### **Council's discretion is restricted to the following matters:**

- (a) Design, scale and location of the building;
- (b) Provision for outdoor living space and service courts; **and**
- (c) Effects on the planned urban built character **and any qualifying matter on of** the surrounding residential area; **and**
- (d) **The visual dominance effects on adjoining sites;**
- (e) **In addition, within the Tuurangawaewae Marae surrounds QM: The effect on cultural viewshafts from Tuurangawaewae Marae to Hakarimata Range and Taupiri Maunga**
- f) **Flooding effects including safe access and egress**
- (g) **Stormwater Management and the use of Low Impact Design methods and avoiding, remedying or mitigating adverse stormwater effects on downstream properties including erosion / scour and alteration of run-off frequency, volume or duration.**
- (h) **The objectives and policies in Chapter 2-20 Te Ture Whaimana – Vision and Strategy.**

#### **MRZ2-S10 Impervious surfaces**

##### **(1) Activity status: PER**

**Where:**

- (a) The impervious surface area must not exceed 70 %.
- (b) Stormwater discharge from the site would not discharge to rural areas that do not have urban standard stormwater infrastructure designed to manage avoid, remedy or mitigate adverse effects of urban stormwater.

**(2) Activity status where compliance not achieved: RDIS  
Council's discretion is restricted to the following matters**

- (a) Site design, layout and amenity; and
- (b) The risk of flooding, nuisance or damage to the site or other buildings and sites.
- (c) Stormwater Management and the use of Low Impact Design methods and avoiding, remedying or mitigating adverse stormwater effects on downstream properties including erosion / scour and alteration of run-off frequency, volume or duration.
- (d) The objectives and policies in Chapter 2-20 Te Ture Whaimana – Vision and Strategy

**TETW – TE TURE WHAIMANA – VISION AND STRATEGY**

TETW-P1 Implementing Te Ture Whaimana (Vision and Strategy for the Waikato River).

- (I) To restore and protect the health and wellbeing of the Waikato River including by;
  - (a) Identifying and recognising the Waikato River as an Outstanding Natural Cultural Landscape;
  - (b) Acquiring appropriate public access to and along the Waikato River at time of subdivision;
  - (c) Protecting and restoring significant natural areas, riparian margins and wetlands within the catchment;
  - (d) Providing for conservation activities;
  - (e) Protecting waahi tapu, sites and areas of significance to Maaori;
  - (f) Recognising and providing for application of maatauranga Maaori; and
  - (g) Managing the effects of subdivision, use and development including those associated with:
    - (i) Building in river setbacks;
    - (ii) Intensive farming;
    - (iii) Earthworks and land disturbance; and
    - (iv) Subdivision.
    - (v) Residential Development

- (vi) Discharge of stormwater runoff from urban areas to rural areas that do not have urban standard stormwater infrastructure designed to manage avoid, remedy or mitigate the adverse effects of urban stormwater runoff.

## SD – STRATEGIC DIRECTIONS

### SD-09 Rural activities

The rural environment provides for a range of rural activities including primary production and food supply.

SD-09 A the productive capacity of the rural environment is protected from the adverse effects of adjacent urban activities in the MRZ2 Zone.

## SUB – SUBDIVISION

### SUB-P2 Residential subdivision.

(1) Promote residential subdivision and development that:

...

(vi) Designs infrastructure to manage stormwater by:

(1) By Minimising environmental impacts and maintenance costs and reducing stormwater discharging into existing reticulated networks

(2) Avoids, remedies or mitigates the adverse effects on or adjacent rural areas adjacent to the MRZ2 that do not have urban standard stormwater infrastructure designed to cope with urban run-off.

### SUB-P4 Servicing requirements.

(1) Require subdivision and development in all zones except for GRUZ – General rural zone and RLZ – Rural lifestyle zone to be serviced to a level that will provide for the anticipated activities in a structure plan, or otherwise anticipated within the zone, including through the provision of:

...

(g) Stormwater collection, attenuation, treatment and disposal

(h) Stormwater collection, attenuation, treatment and disposal in the MDRZ2 that maintains avoids, remedies or mitigates any alterations to pre-development hydrological conditions, including run-off volume, frequency and duration.

### SUB-P5 Co-ordination between servicing and development and subdivision

(I) Ensure development and subdivision:

(a) Is located in areas where infrastructure capacity has been planned and able to be funded;

(b) In the MRZ2 is not located in areas where urban stormwater would discharge to rural areas that do not have urban standard stormwater infrastructure designed to cope avoid, remedy or mitigated the adverse effects of urban run-off.

...

- SUB-P23      Subdivision in the MRZ2 – Medium density residential zone 2
- (1)      Provide for subdivision that supports the development of medium density residential development as a controlled activity within the MRZ2 – Medium density residential zone 2, except where:
- (a)      There is a relevant qualifying matter; or
- (b)      The proposed subdivision does not comply with the relevant subdivision standards.
- (c)      The location of the proposed subdivision would result in urban stormwater runoff discharging into rural land that does not have urban standard stormwater infrastructure designed to avoid, remedy or mitigate the adverse effects of ~~cope with~~ urban runoff.
- (2)      Require subdivision within the MRZ2 – Medium density residential zone 2 to not compromise any qualifying matters applied to the site.

**SUB-R153      Subdivision – general  
MRZ2**

**Council’s discretion is restricted to the following matters**

...

- (j) **Flooding effects including safe access and egress**
- (k) **Stormwater Management and the use of Low Impact Design methods and avoiding, remedying or mitigating adverse stormwater effects on downstream properties including erosion / scour and alteration of run-off frequency, volume or duration.**
- (l) **The objectives and policies in Chapter 2-20 Te Ture Whaimana – Vision and Strategy.**

**INTERPRETATION DEFINITIONS**

Impervious surface: Means a surface that is not vegetated which prevents or significantly retards reduces the soakage of water into the ground it includes:

**WWS – WATER, WASTEWATER AND STORMWATER**

**WWS 1 Stormwater systems for new development or subdivision**

**Activity status: PER**

**(I) Activity-specific standards:**

- (a) New development or subdivision must have a stormwater system that complies with all of the following standards:
- (i) Operates by gravity;
- (ii) Manages stormwater through a Stormwater Management Plan in the following manner:
- (1) Primary systems detain or retain runoff from all impervious surfaces during a 10% Annual Exceedance Probability storm event to ensure that the rate of any stormwater discharge and the run-off frequency, volume and duration off-site is at or below pre- development rates;
- and

(2) Secondary overflows are conveyed to a system or drainage path designed to collect concentrated stormwater during events up to and including a 1% Annual Exceedance Probability; or

(3) A controlled discharge to a reticulated network or receiving environment waterbody designed to manage avoid, remedy or mitigate the adverse effects of urban runoff that will have equivalent capacity (as in (i) and (ii) above) once the catchment is fully developed.

(iii) Stormwater management measures must be in place and operational upon the completion of subdivision and/or development;

(iv) Systems must be designed using rainfall data specific to the area in which the property is located and be adjusted for a climate change temperature increase of 2.1°C;

(v) Stormwater management measures, including low impact design measures, to avoid, remedy or mitigate adverse stormwater effects on downstream properties including erosion / scour and alteration of runoff frequency must be implemented as appropriate in accordance with the following drainage hierarchy:

(1) Retention of rainwater/stormwater for reuse;

(2) Soakage techniques;

(3) Infiltration rate of a minimum of 7mm/hour;

(4) Treatment, detention and gradual release to a perennial watercourse in a manner that does not increase avoids, remedies or mitigates the effects of alterations the volume, frequency or duration of flow on adjacent land;

(5) Treatment, detention and gradual release to a piped stormwater system.

(6) Stormwater treatment shall address ensure that water quality; downstream erosion and scour effects; and cumulative volume, frequency and duration of flow effects are managed to pre-development levels.

(vi) Where land is subject to instability, stormwater discharges directly to ground occurs only where the ground conditions have been identified as being suitable to absorb such discharges without causing, accelerating or contributing to land instability and downstream effects either on the site or on neighbouring properties;

(vii) Connection of new development to any existing stormwater drainage system must not result in the minimum level of service not being met or the minimum level of capacity being exceeded or the volume, frequency or duration of flow on downstream exceeding pre-development levels. Alteration of the existing receiving stormwater network drainage system to achieve minimum level of service or additional onsite detention volume to ensure existing capacity will be required.

Advice notes:

Acceptable means of compliance for the provision, design and construction of stormwater infrastructure, including low impact design features, are contained within the Regional Infrastructure Technical Specifications (RITS). Refer also to Waikato Stormwater Management Guideline and Waikato Stormwater Run-off Modelling Guideline.

A stormwater discharge consent may also be required from the Waikato Regional Council.

## **(2) Activity status where compliance not achieved: RDIS**

Council's discretion is restricted to the following matters:

(a) The likely effectiveness of the system to avoid flooding, and avoid, remedy or mitigate the adverse effects of increased frequency, volume and duration of stormwater discharge,

- nuisance or damage (including scouring and erosion) to other buildings and sites;
- (b) The capacity of the system and suitability to manage stormwater and ensure that the adverse effects of alterations to pre-development hydrological conditions (including adverse alteration of run-off frequency, volume and duration of stormwater discharge) are maintained avoided, remedied or mitigated;
- (c) The potential for adverse effects to the environment in terms of stormwater run-off frequency and quantity volume and duration and stormwater quality effects; and
- (d) Extent to which low impact design principles and approaches are used.

**WWS-14 Stormwater ponds or wetlands or alterations to stormwater ponds or wetlands that serve more than one site located within ...MRZ2 Medium density residential zone.**

**(1) Activity status: RDIS Activity-specific standards: Nil.Council's discretion is restricted to the following matters:**

...

(e) The extent to which adverse effects on downstream properties resulting from any changes from in predevelopment hydrological conditions (including alteration of runoff frequency, volume and duration) from development in the MRZ2 are avoided, remedied or mitigated.

**WWS-R17 Any other activity that is not permitted under Rules WWS-R11 – WWS-R13 but complies with the activity specific standards in Rule WWS-R11(1)**

**(1) Activity status: RDIS Activity-specific standards: Nil.Council's discretion is restricted to the following matters:**

...

- (c) Methods to avoid, remedy, or mitigate adverse effects on the integrity of the flood control assets and
- (d) Methods to avoid, remedy or mitigate adverse effects on downstream properties resulting from any changes from predevelopment hydrological conditions (including alteration of runoff frequency, volume and duration) from development in the MRZ2.

## **NH – NATURAL HAZARDS AND CLIMATE CHANGE**

### **Overview**

...

(3) Outside of these areas, subdivision, use and development is provided for where natural hazard risk can be adequately avoided, remedied or mitigated and the risk is not exacerbated or transferred to adjoining sites and

(4) the management of natural hazard risk in the MRZ2 does not result in adverse stormwater effects on downstream properties, including erosion / scour and alteration of run-off frequency, volume and duration.

...

### **NH-P7 Managing natural hazard risk generally**

- (l) Outside of high risk natural hazard areas, provide for subdivision, use and development where:
  - (a) Natural hazard risk has been appropriately identified and assessed;



- (b) The risk can be adequately avoided, remedied or mitigated;
- (c) The risk does not transfer to adjoining sites.
- (d) The management or risk in the MRZ2 or downstream sites and the management of risk does not result in increased erosion / scour and alteration of run-off frequency, volume and duration on downstream sites;
- (e) The risk is not exacerbated.

**NH-P14 Control filling of land within the 1% AEP floodplain and flood ponding areas.**

Control filling of land within the 1% AEP floodplain and flood ponding areas to ensure that the potential adverse effects on flood storage capacity, overland flows, run-off frequency, volumes, and duration on surrounding or downstream properties or infrastructure, are avoided or mitigated.

**NH-P15 Managing flood hazards through integrated catchment management**

- (l) Manage flood hazards by requiring new subdivision and development within floodplains, flood ponding areas and overland flow paths to adopt integrated catchment plan-based management methods which:
  - (a) Maintain the function of natural floodplains, wetlands and ponding areas including flood storage capacity; and
  - (b) Retain the function and capacity of overland flow paths to convey stormwater run-off; and
  - (c) Do not transfer or increase risk or result in increased erosion / scour or run-off frequency volume or duration elsewhere within the catchment; and
  - (d) Promote best practice stormwater management with reference to the Waikato Stormwater Management Guideline and the Regional Infrastructure Technical Specifications (RITS); and
  - (e) Minimise impervious surfaces.
  - (f) In the MRZ2, do not transfer or increase the risk of adverse effects from increased erosion / scour or run-off frequency, volume or duration elsewhere in the catchment.

**NH-P21 Stormwater management in areas subject to risk of land instability or subsidence.**

- (l) Avoid discharge of stormwater directly to ground on land that is potentially at risk of land instability or subsidence unless:
  - (a) An assessment has been undertaken by an appropriately qualified geotechnical specialist, indicating that the site is suitable for the proposed discharges; and
  - (b) Any adverse effects on the site and receiving environment can be appropriately mitigated.
  - (c) In relation to development in the MRZ2, the discharge of stormwater would not divert or change the nature of natural water flows, water

bodies or stabilized drainage paths including on downstream sites.

#### EW – EARTHWORKS

EW-P1 Earthworks in the GRZ – General residential zone, M MRZ1 – Medium density residential zone 1, MRZ2 – Medium density residential zone 2, LLRZ – Large lot residential zone, SETZ – Settlement zone or OSZ – Open space zone.

- (1) Manage the effects of earthworks to ensure that:
  - (a) Erosion and sediment loss is avoided or mitigated;
  - (b) Changes to natural water flows and established drainage paths are avoided, remedied or mitigated;
  - (c) Changes to natural water flows and established drainage paths resulting from development in the MRZ2 are avoided, remedied or mitigated.
  - (d) Adjoining properties and public services are protected;
  - (e) The importation of cleanfill is avoided in the zone; and
  - (f) Adverse effects on historic heritage are avoided.
- (2) Earthworks are designed and undertaken in a manner that ensures the stability and safety of surrounding land, buildings and structures.

#### EW – R13 Earthworks General MRZ1 and MRZ2 Zone

##### (1) Activity status: PER Where:

...

- (a) Earthworks (excluding the importation of fill material) within a site must meet all of the following standards:

...

(ix) Do not divert or change the nature of natural water flows water bodies or stabilized drainage paths including on downstream sites.

##### (2) Activity status where compliance not achieved: RDIS Council's discretion is restricted to the following matters:

...

- (i) Flood risk, including natural water flows and established drainage paths
- (j) Land instability, erosion and sedimentation; and

...

(l) Stormwater Water Management and Low Impact Design Methods and avoiding, remedying or mitigating adverse effects of development in the MRZ2 on downstream properties, including erosion / scour and alteration of run-off frequency, volume and duration.

#### EW – R14 Earthworks MRZ1 and MRZ2 Zone

**(2) Activity status where compliance not achieved: RDIS Council's discretion is restricted to the following matters:**

...

(ix) Flood risk, including natural water flows and established drainage paths;

(x) Stormwater Water Management and Low Impact Design Methods and avoiding, remedying or mitigating adverse effects of development in the MRZ2 on downstream properties, including erosion / scour and alteration of run-off frequency, volume and duration.

#### **EW – R15Earthworks General MRZ1 and MRZ2 Zone**

**(1) Activity status: PER Where:**

(a) Earthworks for purposes other than creating a building platform for residential purposes within a site, using imported fill material must meet all of the following standards:

...

(vii) Do not divert or change the nature of natural water flows, water bodies or established drainage paths including on downstream sites

**(2) Activity status where compliance not achieved: RDIS Council's discretion is restricted to the following matters:**

...

(i) Flood risk, including natural water flows and established drainage paths;

(j) Stormwater Water Management and Low Impact Design Methods and avoiding, remedying or mitigating adverse effects of development in the MRZ2 on downstream properties, including erosion / scour and alteration of run-off frequency, volume and duration.